

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed June 24, 2004. In the Office Action, claims 1-21 were rejected under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 103***

Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orimo (JP 407303134 A) in view of Mori (USP 6,128,485). Applicants respectfully traverse the rejection and contend that a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See *MPEP* §2143, p. 2100-124 (8th Ed., rev. 1, Feb. 2003); See also *In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

In general, independent claims 1, 8, 14 and 18 include the limitation of the pickup pause functionality including answering an incoming call by a caller with a recorded message audible only to the caller to indicate that a recipient is temporarily unavailable for an estimated amount of time, and subsequently inquiring whether the caller is willing to wait the estimated amount of time. In contrast, neither Orimo nor Mori suggest any caller determination to proceed.

The undersigned attorney respectfully requests the Examiner to contact him to schedule an Examiner's interview if further discussion will facilitate allowance of these pending claims. The undersigned attorney can be reached at the phone number listed below.

***Conclusion***

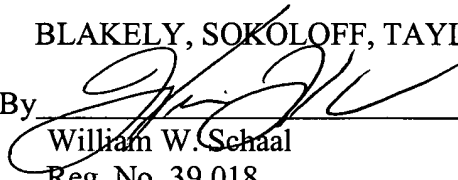
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/24/2004

By



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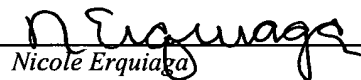
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Nicole Erquiaga

9/24/2004

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